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CHAPTER IXCONFINEMENT AND RECEIPTS901 CONFINEMENT AND RECEIPT OF PERSONNEL AT WATERFRONT
BRIGS/CCUS

Under Navy corrections policy, the following categories of persons will be confined at the brig or assigned to the correctional custody unit at a waterfront brig/CCU:

a. Service members requiring pretrial confinement. Pretrial confinement may be imposed before trial following the Manual for Courts-Martial, 1984 and Article 7102.2a of reference (a).

b. Post-trial prisoners who have been awarded a sentence that includes confinement time. Post-trial prisoners in the San Diego, CA and Charleston, SC areas, who were not in pretrial confinement at the time of court-martial and who receive a sentence that includes a punitive discharge shall have the consolidated brig in that area designated as the place of confinement, as appropriate.

c. Service members awarded bread and water or diminished rations as nonjudicial punishment.

d. Service members awarded the nonjudicial punishment of Correctional Custody (only in brig with a CCU).

902 CATEGORIES OF SERVICE MEMBERS CONFINED/ASSIGNED TO
WATERFRONT BRIGS/CCUS1. Legal status categories

a. Detainees. A detainee is a person subject to the UCMJ who has been legally ordered into pretrial confinement and is awaiting trial or rehearing. This includes persons who are pending the vacation of a suspended sentence which includes confinement. Detained persons in the waterfront brig/CCU shall be referred to as detainees. As referred to in this manual the word "prisoner" includes detainees unless otherwise specified. There must be a clear distinction between the way pretrial detainees and post-trial prisoners are treated during confinement. To that end the following procedures shall be observed in processing pretrial detainees while in confinement:

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(1) Pretrial detainees shall not be employed on the same work detail at the same time as post-trial prisoners.

(2) To the extent possible pretrial detainees will be berthed separately from post-trial prisoners.

(3) Pretrial detainees may be permitted to have personal visitors on Saturdays and Sundays. Post-trial prisoners will have personal visitors only on Sundays.

b. Prisoners. Persons tried by a court-martial and ordered into confinement are prisoners whether or not the sentence has been ordered into execution.

c. Bread and Water or Diminished Rations Prisoners. These punishments may be imposed only upon enlisted personnel in pay grades E-3 and below who are attached to a vessel. The punishment of bread and water or diminished rations may not be imposed for more than 3 consecutive days.

d. Awardee. Persons awarded the nonjudicial punishment of correctional custody. Correctional custody may be imposed for periods up to 30 days. Persons serving the punishment of correctional custody do not earn good conduct time; however, the brig officer may recommend to the member's commanding officer that he or she award up to 5 days off the member's sentence for outstanding achievement and performance. Correctional custody will only be served in spaces specifically designated as the correctional custody unit. Awardees may not be housed in spaces designated for the brig. To the maximum extent possible, awardees and prisoners will not be commingled.

2. Special Categories

a. Officer Prisoners. Officers shall not be confined in close company with enlisted personnel. If confinement is deemed necessary, officers must be berthed and administered separately from enlisted personnel, but will receive equal access to privileges, behavior permitting.

b. Female Prisoners. Females will be confined in spaces specifically designated for females. Female confinement spaces will be visually separate from male confinement spaces.

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c. Civilians. Confinement of civilians will be in conformance with section 7103.2.f and 7105 of reference (a).

d. Confinement under Status Of Forces Agreements (SOFA). U.S. military personnel confined under SOFA will be in conformance with section 7103.f of reference (a).

e. Foreign Military Personnel. Confinement of foreign military personnel will be as provided by section 7103.g of reference (a).

903 DOCUMENTS REQUIRED UPON CONFINEMENT/RECEIPT OF PERSONNEL AT A WATERFRONT BRIG/CCU

1. For Pretrial Confinement

a. Confinement Order. A properly completed NAVPERS 1640/4, Confinement Order with details of offense(s) and medical certification of fitness for confinement, must accompany the detainee to the brig at the time of confinement, except in an emergency. Details on proper completion of the confinement order may be found in Article 8109 of reference (a).

b. Health Record (if available).

c. Dental Record (if available).

d. Pay Record (if available).

e. Service Record (if available). Commands should copy any portions of the service record required by the parent command for any reason.

2. For Post-Trial Personnel

a. Confinement Order. A properly completed NAVPERS 1640/4, with details of offense(s) and medical certification of fitness for confinement, must accompany the post-trial prisoner to the brig at the time of confinement. Details on proper completion of the confinement order may be found in Article 8109 of reference (a).

b. Results of Trial. The Trial Counsel of a Special or General Court-Martial will prepare and sign the Results of Trial and furnish the brig with a copy at the time of confinement or upon completion of the court-martial for those prisoners who were in pretrial confinement status at the time of the court martial.

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- c. Health Record
- d. Dental Record
- e. Pay Record
- f. Service Record

3. For Other Service Personnel. See Article 7201 and 7204 of reference (a).

4. For Bread and Water Prisoners or Diminished Rations Prisoners

a. Confinement Order. A properly completed NAVPERS 1640/4, Confinement Order with details of the offense(s) and medical certification of fitness for confinement must accompany the prisoner to the brig at the time of confinement. In addition, the medical certification on the confinement order must contain the following statement:

"I certify from an examination of _____, and of the place where he/she is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water)(diminished rations) will not produce serious injury to his/her health."

This medical certification as well as the fitness for confinement physical must be signed and conducted by a medical officer only.

b. Health Record

c. If the punishment of bread and water or diminished rations awarded at nonjudicial punishment (NJP) has been deferred, a letter of deferral must accompany the prisoner on confinement. In the absence of a letter of deferral, the punishment begins to run from the date of the NJP.

d. If the punishment of bread and water or diminished rations is awarded at a court-martial in conjunction with confinement time, the punishment of bread and water or diminished rations cannot be imposed until the convening authority has approved the sentence. As a matter of policy, bread and water or diminished rations awarded in these instances will be served upon completion of confinement time provided the convening authority has taken action at that time. If the convening authority has not taken action upon completion of confinement time the individual will be released from confinement. This individual

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may later be reconfined after the convening authority has taken action to complete the punishment of bread and water or diminished rations.

5. For Awardees

a. Temporary Additional Duty (TEMADD) Orders. The date and time of arrival of the individual at the waterfront brig/CCU shall be annotated on the TEMADD orders. An annotated copy of the TEMADD orders will become a permanent part of the awardee file maintained at the waterfront brig/CCU.

b. A copy of the NAVPERS 1626/7, Report of Disposition of Offense(s). This shall become a permanent part of the awardee file maintained at the waterfront brig/CCU.

c. SF 600, Chronological Record of Medical Care which contains a certification by a medical officer that the individual is fit to serve the punishment of correctional custody. A copy of the SF 600 with the medical certification recorded will become a permanent part of the awardee file maintained at the waterfront brig/CCU.

d. Health Record

e. Dental Record

f. Service Record

g. If the sentence to correctional custody has been deferred for a period of time, a copy of the letter of deferral must be provided to the waterfront brig/CCU. In the absence of a letter of deferral, the sentence will begin to run on the date of Captain's Mast.

904 MEDICAL EXAMINATION

1. Prior to acceptance of persons for confinement or correctional custody, they shall be examined by a medical officer, nurse practitioner, or physician's assistant to determine fitness for confinement or to serve the punishment of correctional custody. The member's medical record, when available, shall be provided to the examining medical personnel at the time of the pre-confinement or correctional custody medical examination. After hours, hospital corpsman may perform screening physical examinations for brig confinement/correctional custody if they have been authorized in writing by the brig medical officer. In this case, the official confinement physical

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examination will be performed by the privileged medical officer, nurse practitioner or physician's assistant within 24 hours or the next working day.

2. In the case of bread and water/diminished rations prisoners, the pre-confinement physical must be done by a medical officer.

3. In the case of female prisoners, a pregnancy test must be administered prior to confinement.

4. Recertification. Recertification for fitness for confinement is not required except for cause. Any interruption of confinement or correctional custody for periods over 24 hours will necessitate a new physical examination.

905 LOGISTICAL SUPPORT BY THE CONFINING COMMAND

1. Uniforms shall accompany detainees, prisoners and awardees to the waterfront brig/CCU and will be provided per Articles 8306 and 8213 of reference (a).

2. Health and Comfort supplies sufficient for 1 month will accompany the detainee, prisoner or awardee to the waterfront brig/CCU and will be provided by the command ordering confinement or assignment to the correctional custody program.